

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL L. FOGLE,

Petitioner,

vs.

ALAN BLAKE,

Respondent.

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Case No. 4:05-CV-2236 MLM

ORDER

This matter is before the Court upon the application of Michael L. Fogle for a writ of habeas corpus. The Court, however, cannot review the instant petition at this time. because as petitioner has submitted neither the \$5 filing fee nor a form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases.” Thus, the Court will give petitioner the opportunity to pay the \$5 filing fee, see 28 U.S.C. § 1914, or to request leave to proceed in forma paupers. See 28 U.S.C. § 1915; Local Rule 2.05(A).

Therefore,

IT IS HEREBY ORDERED that the Clerk of Court shall forward to petitioner a form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases.”

IT IS FURTHER ORDERED that petitioner shall have thirty (30) days from the date of this order to either pay the statutory filing fee of \$5, or to submit a completed form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases.”

IT IS FURTHER ORDERED that if petitioner fails to pay the filing fee or to submit the form motion and affidavit within thirty days, the Court will dismiss this action without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that if petitioner submits the form motion and affidavit, or pays the filing fee within thirty days, the Clerk of Court shall cause this action to be resubmitted to the Court for review under 28 U.S.C. § 1915 or the Rules Governing Section 2254 Cases in the United States District Courts.

/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

Dated this 27th day of December, 2005.